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3749

S&H Form: (2/01)

Attorney Docket No. 1609.1001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Hitoshi IWASAKA et al.

Application No.: 09/930,159

Group Art Unit: 3749

Confirmation No.: 1497

Filed: August 16, 2001

Examiner: Kenneth Rinehart

For: NON-CONTACTING CONVEYANCE EQUIPMENT

RESPONSE TO RESTRICTION REQUIREMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

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TECHNOLOGY CENTER R3700

Sir:

In response to the Election Requirement mailed July 1, 2002, applicants provisionally elect the species of Fig. 5 with traverse. Claims 1-14 read on the species of Fig. 5.

TRAVERSAL

The undersigned discussed the outstanding election requirement with the Examiner over the telephone and appreciates the Examiner's time. However, the discussion did not result in withdrawal of the election requirement. The following are the bases for traversal.

1. Generic Claim

The election requirement indicates that no claim is generic. However, independent claim 1 is generic to all embodiments and all claims. Independent claim 1 recites a concave opening, an end face and a fluid passageway. The other independent claims, claims 15, 22 and 23, also recite the concave opening, the end face and the fluid passage way. Accordingly, independent claim 1 is generic.

2. Traversal in General

Insofar as the non-elected species are concerned, it is believed that they are so closely

related to the elected species that they should remain in the same application to preserve unity of invention and to avoid any possibility of a double patenting issue arising at some later date. Claims 1-21 are directed to non-contacting conveyance equipment. Claims 22-24 are directed specifically to a wafer conveyance device. There have been no references cited to show any necessity for requiring election and, in fact, it is believed that the Examiner would find references containing both general conveyance claims and specific conveyance claims in the same field of technology. It is believed that a simultaneous evaluation of all claims will not place an undue burden upon the Examiner in comparison with the additional expense and delay to Applicants if Applicants are required to separately protect the non-elected species. Again, it is noted that independent claim 1 is generic to all claims.

Upon review of the references involved in this field of technology, when considering the similarities of the species and when all other various facts are taken into consideration, it is believed that upon reconsideration of the Examiner's initial requirement for election, all pending claims should be examined in the subject application.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Response, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: August 1, 2002

By: Mark J. Henry
Mark J. Henry
Registration No. 36,162

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CERTIFICATE UNDER 37 CFR 1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231

on August 1, 20 02
STAAS & HALSEY
By: Mark J. Henry
Date: 8-1-02

Aug 01 02 02:20p

Charles Hoffman

928 443 0570

Sent by: CAHILL SUTTON
To: CHH (PRESCOTT)6029564298;
At: 19287178890

08/01/02 2:39PM; JetFax #213; Page 1/4

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CAHILL, SUTTON & THOMAS P.L.C.

2141 East Highland Avenue
155 Park One
Phoenix, Arizona 85016
(602) 956-7000

Docket No. 2108-A-17

Date: August 1, 2002

In re application of William C. Tarr

Serial No. 09/992,100 A.U.: 3753

Filed November 6, 2001

For DISTRIBUTION VALVE AND METHOD

Commissioner for Patents

Washington, D.C. 20231

Dear Sir:

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August 1, 2002

(Date of Deposit)
Charles R. Hoffman

Name of applicant, assignee or Registered Rep

Signature

8/1/02

Date

Transmitted herewith is a Response Under 37 C.F.R. 1.111 in the above-identified application.

_____ No additional fee is required.

_____ The fee has been calculated as shown below.

CLAIMS AS AMENDED

Claims remaining after amendment	Highest No. previously paid for	present extra rate	addtl fee
Total Claims <u>14</u>	<u>20</u> =	<u>0</u> x \$18.00 =	<u>\$ 0</u>
Indep Claims <u>2</u>	<u>3</u> =	<u>0</u> x \$84.00 =	<u>\$ 0</u>

Total Additional Fee: \$ 0

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Charles Hoffman

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Sent by: CAHILL SUTTON

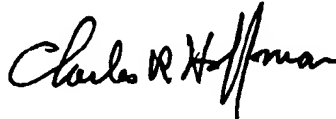
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- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required by this paper to Deposit Account No. 03-0088 and to credit any overpayment to this Deposit Account. Two (2) duplicate copies of this sheet are enclosed.
- ☐ A Request For A ☐ Month Extension of Time is enclosed.
- ☒ A check in the amount of \$110.00 is enclosed to cover the fee for the Terminal Disclaimer.
- ☐ A Letter to the Official Draftsman is enclosed along with a copy of the drawings showing corrections in red.
- ☐ Formal drawings are enclosed.
- ☒ A TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION OVER A PRIOR PATENT is enclosed.

Respectfully submitted,

CAHILL, SUTTON & THOMAS P.L.C.



Charles R. Hoffman
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Docket No. 2108-A-17